

## **REMARKS**

### **Status of the Claims**

Prior to entry of this paper, Claims 1-33 were pending. Claims 1-33 were rejected. In this paper, Claims 1, 9-10, 22, 28, and 31-33 are amended. No claims are cancelled or added. Upon entry of this paper, Claims 1-33 will be currently pending. For at least the following reasons, Applicant respectfully submits that each of the presently pending claims is in condition for allowance.

### **Claim Rejections – 35 U.S.C. § 103(a)**

Claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright et al., U.S. Patent No. 7,308,703 B2 (hereinafter “Wright”) and further in view of Godfrey et al., U.S. Patent Application Publication No. 2003/0081621 A1 (hereinafter “Godfrey”). Claims 1-2, 4-11, 13-18 and 20-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright and further in view of Shah et al., U.S. Patent No. 7,430,524 B2 (hereinafter “Shah”) and Godfrey. Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Wright, Godfrey and Shah, as applied to Claim 10 above and further in view of Ishikawa, U.S. Patent No. 7,200,272 B2 (hereinafter “Ishikawa”). Claims 3 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Wright, Godfrey and Shah, and further in view of Levine, U.S. Patent Application Publication No. 2002/0111852 A1 (hereinafter “Levine”). Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright and further in view of Levine and Godfrey.

Claim 32 is amended to recite, in part (added text underlined):

*in response to the received request, applying, using the server device, a dynamic policy to the access based, in part, on the determined level of security software enabled and the requested resource*

Support for this amendment can be found throughout Applicants’ specification as filed, including for example, page 14 lines 10-22. Applicants’ representative agrees with the Office

Action that Wright fails to teach using a server device to apply communication restrictions.

However, Godfrey also fails to teach or suggest this element, particularly in light of the instant amendment. Instead, Godfrey discusses transmitting a policy setting over a wireless network.<sup>1</sup>

Godfrey's transmission of a policy setting differs from the claimed invention in at least two ways:

1) Godfrey's policy is applied to the device, not to the access, as recited. 2) Godfrey's policy is applied in response to user input at a centralized server, not in response to the received request, as recited.

Godfrey's policy is applied to the device, not to the access as recited. Godfrey discusses a centralized server, such as a Microsoft Exchange server, that is "wirelessly enabled" to redirect incoming messages to a mobile device.<sup>2</sup> Godfrey discusses that in a corporate environment, a corporation may want to exercise control over the use of mobile devices.<sup>3</sup> In order to ensure that policy is current, Godfrey periodically transmits **device** policy settings to the mobile devices (emphasis added).<sup>4</sup> Clearly, a **device** policy setting, particularly a device policy setting that is applied to multiple mobile devices, is not a policy applied in response to a received request and which is based on the resource requested. Therefore, even the proposed combination of Wright and Godfrey fails to teach or suggest "in response to the received request, applying, using the server device, a dynamic policy to the access based, in part, on the determined level of security software enabled and the requested resource" as recited in amended Claim 32.

Moreover, Godfrey's policy is applied in response to user input at a centralized server, not in response to the received request from the client device, as recited. Godfrey discusses an enterprise server administrator applying policy to multiple client devices with a policy generation system.<sup>5</sup> Clearly, applying a policy in response to a server administrator is not applying a policy in response to a request for a resource, as recited. Therefore, for at least this additional reason, even the proposed combination of Wright and Godfrey fails to teach or suggest "in response to the

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<sup>1</sup> See Godfrey [0009].

<sup>2</sup> See Godfrey [0071].

<sup>3</sup> See Godfrey [0092].

<sup>4</sup> See Godfrey [0093].

<sup>5</sup> See Godfrey [0094].

received request, applying, using the server device, a dynamic policy to the access based, in part, on the determined level of security software enabled and the requested resource” as recited in amended Claim 32.

Independent Claims 1, 10, 22, 28, and 31 are amended in this paper to recite elements that are similar to, yet different from, the elements recited in amended Claim 32. Accordingly, amended independent Claims 1, 10, 22, 28, and 31 are allowable for at least the same reasons as discussed above with regard to amended Claim 32. Shah fails to cure the deficiencies of Wright and Godfrey. In contrast, Shah discusses downloading a program to a client and determining information regarding a plurality of devices and programs on the client.<sup>6</sup> While Shah discusses using this information for documenting and modifying the client system configuration, as well as adding/removing programs or devices to/from the client system,<sup>7</sup> Shah does not teach or even suggest the recited apparatus applying a restriction to the client device. Therefore, even the proposed combination of Wright, Godfrey, and Shah fails to teach or suggest “in response to the received request, applying, using the server device, a dynamic policy to the access based, in part, on the determined level of security software enabled and the requested resource” as recited in amended Claim 32.

Furthermore, since dependent Claims 2-9, 11-21, 23-27, and 29-30 are at least allowable for the same reasons as amended independent Claims 1, 10, 22, and 28 upon which they depend respectively, the rejection of these claims is now moot. Accordingly, Applicants’ representative respectfully requests the rejection under 35 U.S.C. §103(a) of Claims 1-33 be withdrawn.

Amended dependent Claim 9 is allowable for additional reasons. Amended dependent Claim 9 now recites “*wherein applying the restriction further comprises performing at least one of inhibiting a file save and inhibiting a file print*”. In making out the rejection of Claim 9, the Office Action cites Wright column 7 lines 59-67, which discusses preventing certain files from being transferred over a wireless connection (as opposed to a wired connection). Applicants’ representative points out that Wright also contemplates not allowing use of the network, the

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<sup>6</sup> See Shah, column 76 lines 9-15.

<sup>7</sup> See Shah, column 77 lines 55-57.

machine, access to a file, use of an application, etc.<sup>8</sup> However, Wright's limitations appear to be directed to preventing access to data. In contrast, amended Claim 9 recites restrictions on saving or printing a file. For this additional reason, even the proposed combination of Wright, Shah, and Godfrey fails to teach or suggest "wherein applying the restriction further comprises performing at least one of inhibiting a file save and inhibiting a file print" as recited in amended Claim 9.

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<sup>8</sup> See Wright column 18 lines 7-13.

### **CONCLUSION**

It is respectfully submitted that each of the presently pending claims (Claims 1-33) are now in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicant's representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicant reserves the right to raise these arguments in the future.

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Respectfully submitted,

By /David W. Foster/

David W. Foster

Registration No.: 60,902

FROMMER LAWRENCE & HAUG LLP

745 Fifth Avenue

New York, NY 10151

(206) 336-5672

(212) 588-0500 (fax)

Attorneys/Agents For Applicant